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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,258	06/09/2000	Mark Leach	12900-0100	2469

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EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No.	Applicant(s)	
	09/591,258	LEACH, MARK	
	Examiner	Art Unit	
	Christopher E. Lee	2112	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on *08 October 2004* is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.

2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).

3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).

4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).

5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))

6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).

7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).

8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).

9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).

10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet (PTOL-462)

Glenn A. Auve
Primary Patent Examiner
Technology Center 2100

cel/

There are two defective items in the filed appeal brief.

(1) The appeal brief does not identify all real parties in interest under the heading "REAL PARTY IN INTEREST" (See appeal brief, on page 2, lines 1-6 REAL PARTY IN INTEREST). However, Rule 37 CFR 1.192 (c)(1) clearly states that the appeal brief shall contain "a statement identifying the real party in interest, if the party named in the caption of the brief is not the real party in interest." under the heading of "Real party in interest" if the brief is filed by a registered practitioner as an appellant's representative. In fact, the real party "AMRON technologies, Inc." in the record at reel 014699/030 has not been mentioned under the heading "Real party in interest".

(2) The appeal brief does not correctly raise the issue, the grouping of claims, and the argument under the headings "ISSUES", "GROUPING OF CLAIMS", and "ARGUMENT", respectively. In fact, the ground of rejection of claim 13 in the Final Office Action was not unpatenable under 35 U.S.C. 103(a) as being obvious in light of Thornborough in view of Schnell and Segur and further in view of Cosentino et al., but under 35 U.S.C. 103(a) as being obvious in light of Thornborough in view of Schnell and Segur (See Paragraph 3 of the Final Office action mailed on 13th of May 2004)